IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 58240-M of 2006

DATE OF DECISION : 21.09.2006

Amritpal Kaur

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Malkeet Singh, Advocate,
for the petitioner.

* * *

Petitioner Amritpal Kaur has filed this petition under Section 482 of the Code of Criminal Procedure for issuing direction to respondents No.2 and 3 to register a criminal case against her husband and other family members.

2. I have heard counsel for the petitioner and gone through the contents of the petition.

3. In this case, marriage of the petitioner was solemnized with respondent No. 11.2.2001. After the marriage, the married couple went to U.S.A. and at present, they are residing in U.S.A. In the petition, it has been alleged that after the marriage, the petitioner came to know that respondent No.4 was already married with respondent No.10 in the year 1997 and they were having a male child out of the said wedlock. However, the factum of earlier marriage was concealed by respondent No.4 from the petitioner and her parents. The allegations of harassment on account of demand of dowry and mis-appropriation of dowry articles have also been levelled.

4. Keeping in view the fact that the petitioner and respondent No.4 are settled in U.S.A., and the other facts and circumstances of the case, I do not find the instant case to be an exceptional case for issuing the aforesaid direction and I am not inclined to exercise the inherent power of this Court under Section 482 Cr.P.C., as in my opinion, the petitioner has alternative remedy, as has been held by this Court in ***Mithlesh Kumari*** v.

State of Punjab, 2002 (4) RCR (Criminal) 541 and by the Hon'ble Supreme Court in ***Gangadhar Janardan Mhatre*** v. ***State of Maharashtra and others,*** (2004) 7 SCC 768 and ***Minu Kumari and another*** v. ***State of Bihar and others,*** (2006) 4 Supreme Court Cases 359.

Dismissed.

September 21, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**